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10/652,988	08/29/2003	Brian James DeHamer	200208087-1	2983

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EXAMINER

ART UNIT PAPER NUMBER

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Please find below and/or attached an Office communication concerning this application or proceeding.

mn

Notification of Non-Compliant Appeal Brief (37 CFR 41.37)	Application No. 10/652,988	Applicant(s) DEHAMER ET AL.	
	Examiner Ted T. Vo	Art Unit 2191	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

The Appeal Brief filed on 02 November 2007 is defective for failure to comply with one or more provisions of 37 CFR 41.37.

To avoid dismissal of the appeal, applicant must file an amended brief or other appropriate correction (see MPEP 1205.03) within **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer.

EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136.

1. ☐ The brief does not contain the items required under 37 CFR 41.37(c), or the items are not under the proper heading or in the proper order.
2. ☐ The brief does not contain a statement of the status of all claims, (e.g., rejected, allowed, withdrawn, objected to, canceled), or does not identify the appealed claims (37 CFR 41.37(c)(1)(iii)).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 41.37(c)(1)(iv)).
4. ☒ (a) The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters; and/or (b) the brief fails to: (1) identify, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function under 35 U.S.C. 112, sixth paragraph, and/or (2) set forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number, and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(v)).
5. ☐ The brief does not contain a concise statement of each ground of rejection presented for review (37 CFR 41.37(c)(1)(vi)).
6. ☒ The brief does not present an argument under a separate heading for each ground of rejection on appeal (37 CFR 41.37(c)(1)(vii)).
7. ☐ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 41.37(c)(1)(viii)).
8. ☐ The brief does not contain copies of the evidence submitted under 37 CFR 1.130, 1.131, or 1.132 or of any other evidence entered by the examiner **and relied upon by appellant in the appeal**, along with a statement setting forth where in the record that evidence was entered by the examiner, as an appendix thereto (37 CFR 41.37(c)(1)(ix)).
9. ☐ The brief does not contain copies of the decisions rendered by a court or the Board in the proceeding identified in the Related Appeals and Interferences section of the brief as an appendix thereto (37 CFR 41.37(c)(1)(x)).
10. ☒ Other (including any explanation in support of the above items):

See Continuation Sheet.

Continuation of 10. Other (including any explanation in support of the above items):

It should be noted that under 37 CFR 41.37(c)(1)(v), the Summary should provide "concise explanations" of the claims subject matters in each of the independent claims involved in appeal. This summary provided within the brief lacks such "explanations"; particularly, for the subject matters that need being addressed in arguments. For example, the summary fails to explain concisely the action "indented destination upon completion of a prerequisite", but the summary bundles with paragraphs 17, 25, 33, 35-37, and FIGs 1-3 without any explanation.

With regards to the rejection to the "tangible machine readable medium", it is appeal subject matter, but the summary fails to identify or explain this claimed subject matter. It points merely to a blank area in the FIG. 2, reference number 100. The 100, i.e. the Web Presentation Architecture, shows it cover client 14, the transmission 148, 102, and a controller 102, etc., nothing is with a "tangible machine readable medium". It's clearly that this "medium" includes air.

The argument fails to define clearly headings and subheadings with claimed numbers, for identifying whether the arguments are as a group or separate patentability.



TED VO
PRIMARY EXAMINER